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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 10/695,502 | 10/28/2003 | Tai-Sheng Lin | LIN / BA-22869 | 8167 | |
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| BUCKNAM AND ARCHER 1077 Northern Blvd. | | | BELLAMY, | BELLAMY, TAMIKO D | |
| Roslyn, NY 11576 | | | ART UNIT | PAPER NUMBER | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of this map be available under the provision of 37 CPR 1.136(a). In no event, however, may a reply be timely flied after SX (6) MONTH'S from the mailing date of this communication. If NO pend for reply is specified above, the maximus activate protein of application to the Communication. Failure to reply within the set or edended period for reply will apply and will explain the process IX (6) MONTH'S from the mailing date of this communication. Failure to reply within the set or edended period for reply will, but settled, eause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office date then three moderns after the mailing date of this communication, even if timely fleet, may reduce any seminary process. The process of the process of the communication of the communication of the communication of the communication. Status 1) Responsive to communication(s) filed on 26 July 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 3-8 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 3-8 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 3-8 is/are rejected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received in Application No | | | K_{k} | | | | | |
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| Examiner Tamiko D. Bellamy 2859 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Determine the soluble interfer be providence at 37 CPR 1.138(a). In no event, however, may a reply be limitly fixed If the series for reply is accretifed above, the manimum detailurity period will explain the statutory primitumen of thing (30) days will be considered timely. If the operation for reply is accretifed above, the manimum detailurity period will explain the statutory primitumen of thing (30) days will be considered timely. If the period for reply is accretifed above, the manimum detailurity period will explain the Statutory of the statutory primitumen of this (30) days will be considered timely. If the period for reply is accretifed above, the manimum detailurity period will explain the Status of the communication. Any reply received by the official ethic has been admiss darf at the mailing date of this communication, even if timely filed, may reduce any searce patient term adjustment. See 37 CPR 1.704(b). Status 1) Responsive to communication(s) filed on 26 July 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 3-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 5 Claim(s) is/are allowed. 5 Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. 10) The specification is objected to by the Examiner. 10) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 11) Acknowledgment is made of a c | | Application No. | Applicant(s) | | | | | |
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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklar (5,531,338) in view of Cautereels (5,316,160).

Re to claim 8, as depicted in figs. 1A and 2A, Sklar discloses a bottle body (12) having a plurality of scale lines (e.g., point markers 26) parallel to a horizontal line and along a vertical direction (col. 3, lines 37-47). Sklar also discloses a bottle cap (e.g. collar 24), a nipple (22), and the top end of the nipple (22) including an opening. As depicted in fig. 1B, Sklar discloses a first and second face of a bottle (12) that includes scale lines (e.g., point markers (26). As depicted in fig. 1A, Sklar discloses numerals (28) that are provided on the scale lines (e.g., point markers 26) and are step-up from the upside/top to the downside/bottom of the bottle (12). Sklar does not specifically disclose that scale lines on a second side includes numerals that are step-up from the upside/top to the downside/bottom. However, it is well known in the art that numerals provided on scale lines are step-up from the downside/bottom to the top/upside. Cautereels discloses a conventional bottle with numerals step-up from the downside/bottom to the upside/top. Therefore, to modify Sklar by employing numerals on a first side face that are step-up from the downside/bottom to the

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upside/top would have been obvious to one of ordinary skill in the art at the time of the invention since Cautereels teaches a baby bottle having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Sklar and Cautereels since Sklar states that his invention is applicable to a nursing bottle that includes scale lines on a first and second side face and numerals on a second side face and Cautereels is directed to baby bottle with numerals on a first side face.

Re to claim 3, Sklar also that each scale line (e.g., graduated point markers 26) have corresponding indica (28), such as ounces or milliliters.

Re to claims 4-7, Sklar discloses that the scale lines (e.g. point markings 26) can include forms such as a circle with a don't in the center, Xs, cross hairs, crosses, or other means for indicating a point on the side of the bottle (col. 3, lines 37-47). Sklar also that each scale line (e.g., graduated point markers 26) have corresponding indica (28), such as ounces or milliliters. This teaching inherently includes scale lines with different angles between 5 and 45 degrees as claimed.

Response to Arguments

3. Applicant's arguments with respect to claims 1-7 have been considered but are most in view of the new ground(s) of rejection. It is the examiners position that claims 3-8 are not patentable over the newly applied art of Sklar in view of Cautereels.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571)

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272-2190. The examiner can normally be reached on Monday - Friday 6:30 AM to

3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.

August 10, 2004

HEZRON WILLIAMS

SUPERVISORY PATENT EXAMINER

Sezin E. Willia

TECHNOLOGY CENTER 2800